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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,836	04/17/2004	Wade C. Horton	HORTON-PA-1	8772
7590 OBER / KALER c/o Royal W. Craig 120 East Baltimore Street Baltimore, MD 21202		08/22/2007	EXAMINER FIGUEROA, ADRIANA	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10825836	4/17/2004	HORTON, WADE C.	HORTON-PA-1

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120 East Baltimore Street  
Baltimore, MD 21202

**EXAMINER**

Adriana Figueroa

**ART UNIT****PAPER**

3637

20070817

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The appeal brief submitted on 6/29/07 is still defective for the reasons set out in the Notice of Non-Compliance of 6/25/07. Appellant still is referring to Merriam-Webster's Dictionary of Law in the appeal brief and has listed a definition of the term "object" in the evidence relied upon section without listing where it was entered by the examiner. Appellant has also not provided a copy as required. 37 CFR 41.37(c)(1) states,

"Any appendix containing copies of any evidence submitted pursuant to 1.130, 1.3.1 or 1.1.32 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief. See 41.33 for treatment of evidence submitted after appeal." (emphasis added)

Further, 37 CFR 41.337(c)(2) states,

"A brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence." (emphasis added)

Appellant's attention is directed to 37 CFR 41.33 for guidance as to when evidence can be entered after the filing of a notice of appeal.

If Appellant has previously timely submitted the evidence referred to above, Appellant should provide a copy in the evidence appendix and a statement of when the evidence was entered by the examiner. If the evidence referred to above, has not been previously entered Appellant should consult 37 CFR 41.33 and/or remove the reference to unentered evidence for the appeal brief.

The time period for reply set forth in the Notice of Non-Compliance of 6/25/07 is still running and extensions of time are available.

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

AF / AF  
08/17/2007